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EXAMINER

NGUYEN, CHAU T

ART UNIT PAPER NUMBER

2176

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/627,535

Applicant(s)

BIALEK ET AL.

Examiner

Chau Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Amendment, filed on 06/17/2004, has been entered. Claims 1-15 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 7-10, and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Peterson et al. (Peterson), US Patent No. 6,594,682.

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4. As to claims 1, 12, and 13, Peterson discloses a method of assembling content from content providers, the content providers having the content available on a network, for delivery from a document server to a subscriber's terminal, comprising the steps of:

obtaining a subscriber's content definition (col. 10, lines 17-24: storing user's preferences (subscriber's content definition));

defining a locator template having a plurality of parameter slots and being compatible with a resource locator of a content provider having content meeting said content definition (col. 10, lines 9-33 and col. 11, line 39 – col. 12, line 3: the user can elect certain channels and content by appropriately marking them in the index viewer UI 122, which presents general categories (plurality of parameter slots) such as "New and Technology", "Sports", "Business", "Entertainment", etc..., and the index viewer UI 122 displays one or more indices that associated with the information to which the user has subscribed);

recalling stored parameter values and inserting said parameter values in said parameter slots to create a provider resource locator (col. 11, line 47 – col. 12, line 31: the user selects a set of channels (parameter slots) and indicates the preferred Web content within each channel, and the browser takes the user's input and constructs a set of rules based on the user's selections and preferences, and the browser then creates a new channel (provider resource locator) that presents the Web content from the set of channels);

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transmitting said provider resource locator on the network (col. 4, lines 17-40);

receiving content from said content provider in response to said transmission of said provider resource locator (col. 4, lines 17-40); and

assembling at least said received content for delivery from the document server to the subscriber's terminal (col. 7, lines 6-14 and col. 12, line 61 – col. 13, line 50: delivering Web content from a webcast center 152 which gathers web content from the World Wide Web by visiting web sites 158(1)-158(m) and fetching content from those sites).

5. As to claim 2, Peterson disclose the step of storing said received content (col. 9, lines 53-59).

6. As to claim 7, Peterson discloses the step of delivering said assembled content to the subscriber's terminal (Peterson, col. 7, lines 6-14).

7. As to claim 8, Peterson discloses the step of conveying said assembled content to the subscriber's terminal (Peterson, col. 7, lines 6-14).

8. As to claim 9, Peterson discloses wherein said step of obtaining a subscriber's content definition further comprises the step of recalling a subscriber profile (Peterson, col. 11, line 47 – col. 12, line 31: the user selects a set of channels (parameter slots) and indicates the preferred Web content within each

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channel, and the browser takes the user's input and constructs a set of rules based on the user's selections and preferences, and the browser then creates a new channel (provider resource locator) that presents the Web content from the set of channels)..

9. As to claim 10, Peterson discloses the step of scheduling delivery of said assembled content at a time in accordance with said subscriber profile (Peterson, col. 8, line 54 – col. 9, line 15).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3-6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson as applied to claim 1-2, 7-10, and 12-13 above, and further in view of Walker et al. (Walker), US Patent No. 6,377,963.

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12. As to claims 3 and 14, Peterson discloses assigning said received content a storage name (col. 14, lines 26-53: creating a customized index of web content). However, Peterson does not disclose the steps of said storage name including a current date code and a content definition code; and confirming the existence of said storage name when at least said content is to be assembled, thereby identifying missing content.

In the similar field of endeavor, Walker discloses a magazine database contains data relating to magazines published by publisher such as magazine ID number (content code), and time periods of the magazine (col. 4, line 6 – col. 5, line 56). Walker also discloses a subscriber database contains magazine ID number, subscription expiration date, etc... (col. 5, lines 29-43), and if a subscriber record does not exist for subscriber, publisher creates a new record in subscriber database (col. 7, lines 1-14). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Walker and Peterson to include storage name including a current date code and a content definition code; and confirming the existence of said storage name when at least said content is to be assembled, thereby identifying missing content in order to make the system more efficient.

13. As to claim 4, Peterson and Walker (Peterson-Walker) disclose wherein the step of recalling stored parameter values further comprises the step of recalling stored parameter values that are stored in an association with at least part of said content definition (Peterson, col. 11, line 47 – col. 12, line 31: the

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user selects a set of channels (parameter slots) and indicates the preferred Web content within each channel, and the browser takes the user's input and constructs a set of rules based on the user's selections and preferences, and the browser then creates a new channel (provider resource locator) that presents the Web content from the set of channels; Walker discloses a magazine database contains data relating to magazines published by publisher such as magazine ID number (content code), and time periods of the magazine (col. 4, line 6 – col. 5, line 56). Walker also discloses a subscriber database contains magazine ID number, subscription expiration date, etc... (col. 5, lines 29-43), and if a subscriber record does not exist for subscriber, publisher creates a new record in subscriber database (col. 7, lines 1-14)).

14. As to claim 5, Peterson-Walker disclose wherein one of said stored parameters is a publication date, the method further comprising the step of incrementing said publication date by a predetermined time to create a second provider resource locator (Walker, col. 4, lines 53-65 and Fig. 3).

15. As to claim 6, Peterson-Walker disclose step of varying a parameter value to account for predicable errors of said parameter value to create another provider resource locator (Walker, col. 6, line 53 – col. 7, line 14).

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16. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson as applied to claim 1-2, 7-10, and 12-13 above, and further in view of Herz, US Patent No. 6,460,036).

17. As to claim 11, Peterson does not explicitly disclose the steps of ascertaining subscriber advertising information with said received content. In the same field of endeavor, Herz discloses determining set of advertisements associated with target object (received content) and delivering the advertisements associated with target object to user (col. 40, lines 16 – col. 41, line 3). Thus, it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine the teachings of Herz and Peterson to include ascertaining subscriber advertising information with said received content to enable user to access information of relevance and interest to the user without requiring the user to expend an excessive amount of time and energy.

18. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson as applied to claim 1-2, 7-10, and 12-13 above, and further in view of Issac et al. (Issac), US Patent No. 6,632,248.

19. As to claim 15, Peterson discloses recalling stored parameter values and inserting said parameter values in said parameter slots to create a provider resource locator (col. 11, line 47 – col. 12, line 31: the user selects a set of channels (parameter slots) and indicates the preferred Web content within each

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channel, and the browser takes the user's input and constructs a set of rules based on the user's selections and preferences, and the browser then creates a new channel (provider resource locator) that presents the Web content from the set of channels). However, Peterson does not explicitly disclose the provider resource locator is a uniform resource locator (URL). Issac discloses a user navigates client 20 to the network address (uniform resource locator) of HTML customization document which includes topical groupings of customization options relating to news, sports, financial, (parameter slots), and the customization document 92 can allow the user to designate specific URLs to be included on the customized document (col. 5, lines 16-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Issac and Peterson to include recalling stored parameter values and inserting said parameter values in said parameter slots to create a URL since Issac's customization of HTML documents is beneficial for home pages, network gateway pages, or any other pages that potentially provide direct access to a wide variety of links or information.

Response to Arguments

In the remarks, Applicant(s) argued in substance that

A) "Peterson does not teach that such a URL has parameter slots." (see page 2 of remarks)

As to point A), claim 1 does not include a URL has parameter slots, instead, claim 1 claims "defining a locator template having a plurality of parameter slots and being compatible with a resource locator of a content provider having content meeting said content definition". Peterson discloses in col. 10, lines 9-33 and col. 11, line 39 – col. 12, line 3: the user can elect certain channels and content by appropriately marking them in the index viewer UI 122, which presents general categories (plurality of parameter slots) such as "New and Technology", "Sports", "Business", "Entertainment", etc..., and the index viewer UI 122 displays one or more indices that associated with the information to which the user has subscribed.

B) "Peterson does not teach that stored parameter values related to subscriber's content definition are to be recalled and inserted into the parameter slots of the locator template to create a provider resource locator." (see page 2 of remarks)

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As to point B), Peterson discloses in col. 11, line 47 – col. 12, line 31: the user selects a set of channels (parameter slots) and indicates the preferred Web content within each channel, and the browser takes the user's input and constructs a set of rules based on the user's selections and preferences, and the browser then creates a new channel (provider resource locator) that presents the Web content from the set of channels.

C) "Neither Walker nor Peterson disclose storing elements of data in the storage location name." (see page 4 of remarks)

As to point C), Peterson does not explicitly disclose the steps of said storage name including a current date code and a content definition code; and confirming the existence of said storage name when at least said content is to be assembled, thereby identifying missing content. In the similar field of endeavor, Walker discloses a magazine database contains data relating to magazines published by publisher such as magazine ID number (content code), and time periods of the magazine (Walker, col. 4, line 6 – col. 5, line 56). Walker also discloses a subscriber database contains magazine ID number, subscription expiration date, etc... (Walker, col. 5, lines 29-43), and if a subscriber record does not exist for subscriber, publisher creates a new record in subscriber database (Walker, col. 7, lines 1-14). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Walker and Peterson to include storage name including a current

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The examiner can normally be reached at 8:00 am – 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3230.

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date code and a content definition code; and confirming the existence of said storage name when at least said content is to be assembled, thereby identifying missing content in order to make the system more efficient.

20. Applicant's arguments filed 06/17/2004 have been fully considered but they are not persuasive. Applicant's amendments with respect to claim 15 have been considered but are moot in view of the new ground(s) of rejection. Please see the rejection and response to arguments above.

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Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20131

Or Faxed to:

(703) 872-9306, (for **formal communications**; please mark
"EXPEDITE PROCEDURE").

Or:

(703) 746-7240 (for **informal or draft communications**, please
label
"PROPOSED" or "DRAFT").

Or:

(703) 872-9306 (for **After Final Communications**).

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Chau Nguyen
Patent Examiner
Art Unit 2176


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER